

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

946 WRIT PETITION NO.9656 OF 2023

HARSHADA LAXMAN MANTRE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondents : Mr. S.G. Sangale

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 25 AUGUST 2023

PER COURT (PER : SHAILESH P. BRAHME, J) :

1. Heard both sides finally at the admission stage.
2. The petitioner is aggrieved by the judgment and order dated 29.11.2022, passed by the Scrutiny Committee invalidating tribe certificate of the petitioner for 'Koli Mahadev', scheduled tribe. The petitioner is relying upon the validity certificate issued to her father, real uncle and cousins.
3. Learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee found that the school record of the relatives of the petitioner is incompatible with her claim. Considering the manipulation in the school record the claim is rightly rejected. The orders of invalidation passed in the matters of Bharat,

Pranav and Priyanka are suppressed. It is, therefore, contended that there is no reason to interfere in the impugned judgment and order. The petitioner has placed on record the vigilance enquiry conducted in the matter of Dhananjay Ravikant Mantre. From the genealogy at page no. 22, Dhanajay appears to be paternal side relative of the petitioner. His enquiry report reveals due verification of the school record of the relatives. One of the school entries appears to be of 1958. By reasoned order, Dhananjay was issued validity certificate which is not controverted by learned AGP.

4. The validity certificate of Dhananjay is reliable one. There are other validity certificates also in the family to support the petitioner's claim. We do not find any reason to deprive the petitioner from equal social status.

5. The orders of invalidation in the matters of few relatives of the petitioner cannot operate *res judicata* in the caste matters. The objections of the learned AGP for the manipulation and suppression of material facts can be considered during re-verification. At this stage, the Scrutiny Committee has no jurisdiction to invalidate the caste claim of the petitioner on the basis of self same record. In that view of the matter, the Scrutiny Committee has committed serious error of jurisdiction. We

propose to rectify the same by allowing the Writ Petition partly. Hence, we pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order dated 29.11.2022, passed by the respondent no. 2 – Scrutiny Committee, is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to ‘Koli Mahadev’ scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.
- iv. The certificate of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- v. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

spc/